



Rep. David R. Leitch

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09500HB4647ham002

LRB095 17515 AMC 48065 a

1 AMENDMENT TO HOUSE BILL 4647

2 AMENDMENT NO. _____. Amend House Bill 4647 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mine Subsidence Disclosure Act is amended
5 by changing Section 3 as follows:

6 (765 ILCS 95/3) (from Ch. 30, par. 1003)

7 Sec. 3. Disclosure.

8 (a) At the time an agreement to transfer real property
9 is made, the transferor shall disclose in writing to the
10 transferee and lender all insurance or other claims paid to
11 the transferor for mine subsidence on the real property by
12 a property and casualty insurance company, a mining
13 company, or any other company or individual.

14 (b) If the agreement to transfer real property is in
15 writing, the disclosure shall be part of the agreement.

16 (c) A waiver of the time requirements for disclosure or

1 a waiver of disclosure must be in writing and signed by the
2 transferee and lender.

3 (d) Written disclosures and signed waivers of disclosures
4 required under subsection (c) shall be filed by the lender, or
5 by the transferor of the property if there is no lender
6 involved with the real property transfer, with the recorder of
7 the county where the real property that is the subject of the
8 transfer and on which a mine subsidence claim was paid is
9 located.

10 (e) The disclosure or waiver document shall be subject to
11 the fees and real estate document recording standards contained
12 in Section 3-5018 of the Counties Code.

13 (f) Notwithstanding any other rulemaking authority that
14 may exist, neither the Governor nor any agency or agency head
15 under the jurisdiction of the Governor has any authority to
16 make or promulgate rules to implement or enforce the provisions
17 of this amendatory Act of the 95th General Assembly. If,
18 however, the Governor believes that rules are necessary to
19 implement or enforce the provisions of this amendatory Act of
20 the 95th General Assembly, the Governor may suggest rules to
21 the General Assembly by filing them with the Clerk of the House
22 and the Secretary of the Senate and by requesting that the
23 General Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 95th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor.

11 (Source: P.A. 86-236.)".